THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.15335 of 2007

DATED: 19.07.2007

Between:

A.Krishnarjuna Rao .. Petitioner

And

The District Collector,
Khammam District, Khammam
and others.

.. Respondents

THE HON'BLE SRI JUSTICE R.SUBHASH REDDY

WRIT PETITION No.15335 of 2007

ORDER:

In this writ petition, the petitioner seeks directions by way of Mandamus to declare the action of the respondents 1 and 2 in taking steps to disburse the compensation in favour of the third respondent for the lands acquired in an extent of Ac.10.09 guntas covered by Sy.No.431 situated at Repakagommu Grampanchayat, Velerupadu Mandal, Khammam District, as illegal and arbitrary.

It is the case of the petitioner that his mother, who is no more, was the owner and possessor of the land admeasuring Ac.10.09 guntas covered by Sy.No.431 situated at Repakagommu Grampanchayat, Velerupadu Mandal, Khamam District. It is further stated that after the death of the mother of the petitioner, the petitioner has succeeded to the said property.

It is the grievance of the petitioner that the property, which he has succeeded from his mother, is notified for acquisition by issuing necessary notification under Section 4(1) of the Land Acquisition Act, 1894 (for short 'the L.A.Act') for the purpose of providing house sites to the weaker sections, and that pursuant to the notice issued under Sections 9(3) and 10 of the L.A.Act, in form No.7, in the name of the mother of the petitioner and the third respondent, steps are being taken by the respondents 1 and 2 to pay the compensation to the third respondent, who has no concern with the land in question.

Heard the learned counsel for the petitioner and the learned Government Pleader for Land Acquisition.

It is not in dispute that no award is passed by the Land Acquisition Officer under Section 11 of the L.A.Act. It is submitted by the petitioner that a notice under Section 9(3) and 10 of the L.A.Act was issued in the name of the mother of the petitioner and the third respondent calling upon them to appear before the second respondent along with their statements showing their rights and objections, if any, for payment of compensation for their lands acquired under the L.A.Act. Aggrieved by such notice, the petitioner approached the second respondent on 04.07.2007 claiming that he is the person who has succeeded to the property of his mother and that the third respondent is no way concerned with the lands in question. But, however, the petitioner has not filed any written claim petition with regard to his claim and ownership over the said property before the second respondent. The entitlement of compensation will be determined only by passing the award. Even according to the petitioner, the award is not passed and the competent authority i.e., the Land Acquisition Officer has not decided the compensation for the land in question at all.

As much as the award is not passed and the petitioner claims that he has succeeded to the property, which was standing in the name of his late mother, I dispose of the writ petition, at the stage of admission itself, directing the petitioner to file a claim petition pursuant to the notice issued under Section 9(3) and 10 of the L.A.Act, within a period of two weeks from the date of receipt of a copy of this order, and if such a claim petition is filed by the petitioner and if the award is not

passed as on today, the second respondent, the Special Deputy Collector (Land Acquisition), Palwancha Unit, Khamam District shall consider his claim also, along with the other eligible claimants, before passing an appropriate award for the lands acquired in an extent of Ac.10.09 guntas in Sy.No.431 of Repakagommu Grampanchayat, Velerupadu Mandal, Khamam District. However, it is open for the second respondent to consider the claim either of the petitioner or the third respondent on its own without influence by any of the observations of this Court.

Subject to the above directions, the writ petition is disposed of. No order as to costs.

_____

(R.SUBHASH REDDY,J)

19.07.2007
Note: Furnish CC by 23.07.2007
B/o.
v v